

Message Text

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70

ACTION L-03

INFO OCT-01 IO-15 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-03 PRS-01 SPC-03 SS-15 USIA-15 ACDA-19 A-01

SY-10 USSS-00 OMB-01 SCA-01 EB-11 DRC-01 /203 W

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TO SECSTATE WASHDC 0029

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E.O. 11652: N/A

TAGS: PINS, UNGA

SUBJ: COMITE 6 - PROTECTION OF DIPLOMATS

FOLLOWING AMENDS TO ARTICLE 2 INTRODUCED BY SPAIN OCT 9.

"I. REPLACE PARAGRAPH 1 BY THE FOLLOWING TEXT, WHICH WILL
CONSTITUTE ARTICLE 2:

"1. ANY PERSON COMMITS A CRIME (HEREINAFTER REFERRED TO
AS 'TH CRIME') IF HE UNLAWFULLY AND INTENTIONALLY,
REGARDLESS OF MOTIVE, COMMITS OR THREATENS TO COMMIT A
VIOLENT ATTACK:

"(A) UPON THE PERSON OR LIBERTY OF AN INTERNATIONALLY
PROTECTED PERSON; OR

"(B) UPON THE OFFICIAL PREMISES, PRIVATE ACCOMMODATION OR
MEANS OF TRANSPORT OF AN INTERNATIONALLY PROTECTED PERSON,
WHERE SUCH ATTACK IS LIKELY TO ENDANGER HIS PERSON OR LIBERTY.

"(BEGIN BRACKETS) 2. LIKEWISE, ANY PERSON PARTICIPATES
IN THE COMMISSION OF THE CRIME IF HE UNLAWFULLY AND
INTENTIONALLY, REGARDLESS OF MOTIVE:

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"(A) ATTEMPTS TO COMMIT ANY OF THE ACTS REFERRED TO IN

PARAGRAPH 1 OF THIS ARTICLE;

"(B) CONSPIRES WITH A VIEW TO THEIR COMMISSION; OR

"(C) PARTICIPATES AS AN ACCOMPLICE OF PERSONS COMMITTING
OR ATTEMPTING TO COMMIT SUCH ACTS OR IS AN ACCESSORY TO
SUCH COMMISSION OR ATTEMPT."

II. RENUMBER THE PRESENT PARAGRAPH 2 AS ARTICLE 2 BIS,
READING AS FOLLOWS:

"EACH STATE PARTY UNDERTAKES TO MAKE THE CRIME PUNISHABLE
BY SEVERE PENALTIES AND TO PUNISH THE OFFENDERS ACCORDINGLY,
TAKING INTO ACCOUNT THE SERIOUSNESS OF THE OFFENCE."

III. RENUMBER THE PRESENT PARAGRAPH 3 AS ARTICLE 2
TERTIO, READING AS FOLLOWS:

"EACH STATE PARTY SHALL TAKE SUCH MEASURES AS MAY BE
NECESSARY TO ESTABLISH ITS JURISDICTION OVER THE CRIME IN
THE CASE WHERE THE ALLEGED OFFENDER IS PRESENT IN ITS
TERRITORY AND IT DOES NOT EXTRADITE HIM, PURSUANT TO ARTICLE 7
OF THIS CONVENTION, TO THE STATE IN WHOSE TERRITORY THE
CRIME WAS COMMITTED OR TO ANY OTHER STATE WHICH HAS
JURISDICTION OVER THE CRIME IN ACCORDANCE WITH ITS
INTERNAL LAW."
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